



PATENT
Customer No. 22,852
Attorney Docket No. 04121.0076-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Alan L. GREENER et al.) Group Art Unit: 1636
)
Application No.: 10/800,389) Examiner: N. VOGEL
)
Filed: March 12, 2004) Confirmation No.: 7189
)
For: HIGHLY TRANSFORMABLE)
BACTERIAL CELLS AND)
METHODS FOR PRODUCING)
THE SAME)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Stratagene California, duly organized under the laws of California and having its principal place of business at 11011 North Torrey Pines Road, La Jolla, CA 92037, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/800,389, filed March 12, 2004, for Highly Transformable Bacterial Cells and Methods for Producing the Same in the name of Alan L. Greener and Bruce D. Jerpseth, as indicated by the assignment duly recorded in the United States Patent and Trademark Office ("USPTO") for parent application U.S. Patent Application No. 08/846,996, filed May 1, 1997 (now U.S. Patent No. 6,706,525), at Reel 008733, Frame 0969, and the Change of Name, which was

recorded in the USPTO parent application U.S. Patent Application No. 08/846,996, filed May 1, 1997 (now U.S. Patent No. 6,706,525) at Reel 016182, Frame 0616.

Assignee, Stratagene California, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,706,525, as indicated by the assignment duly recorded in the USPTO at Reel 008733, Frame 0969, and the Change of Name, which was recorded in the USPTO at Reel 016182, Frame 0616.

To obviate a double patenting rejection, Stratagene California hereby disclaims, under the provisions of 37 C.F.R. §1.321, the terminal part of any patent granted on the above-identified U.S. Patent Application No. 10/800,389, which would extend beyond the expiration date of U.S. Patent No. 6,706,525, and hereby agrees that any patent so granted on U.S. Patent Application No. 10/800,389, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,706,525. This agreement runs with any patent granted on U.S. Patent Application No. 10/800,389, and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on U.S. Patent Application No. 10/800,389 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,706,525, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,706,525 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner

terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of assignee Stratagene California.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer. If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No.

06-0916.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: 1/17/06

By: Ronni L. Sherman

Name: Ronni L. Sherman
Title: Executive Vice President
and General Counsel
Assignee: Stratagene California